

Gender Injustice in India: Myth or Reality

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Abstract: “You can tell the condition of a nation by looking at the status of its women”. – Pt. Jawaharlal Nehru All over the world, 8th March, is celebrated as International Women’s Day. But, gender equality is proclaimed as fundamental right by the United Nations’ Charter in 1945. However, years before this signing, women in San Francisco rose up in arms for their rights as early in 1912, there was a strike by total workers equality. Indian history and mythology have given place of pride to women. Sita, Savitri, and Draupadi are the women whose names strike the mind immediately. We are also familiar with a record of Maithreyi and Gargi, the Vedic scholars, who mastered the Vedas and Upanishads facing much opposition. Over the years of first half of 20th century, the struggle continued and women coined the phrase “Bread and Roses” after James Oppenham’s poem of the same name. The reference to “Bread” is freedom from hunger, and “Roses” is the satisfaction of the wants. In many part of the world women are given a loaf of bread and a rose as a symbolic gesture on this day.

Keywords: Gender Injustice, Indian society

1. Introduction

It has been a male dominated world all along the ages. Biological superiority of men over women has made her a feeling less person. Woman was reduced to be just an appendage to man. She was condemned to lead the life of a slave within the four walls of the house. Man turned her just as an object of gratifying his sexual lust and physical desires. Child marriage, ban on widow marriage, sati-tradition, parda-system, and many other atrocities on women dominated the social scenario of the middle ages. Gender injustice is not a recent phenomena. Crimes against women have been committed since antiquity. Any traditional custom that places women in subordinate positions within society or in the family has the potential to turn violent.

2. Gender injustice is global issue :

Gender based discrimination represents the ugly face of the society. This issue is global with varying degree and very old. Really, it is a travesty of all canons of social justice and equity that women who constitute half of the world’s population and who work two-third of world working hours should earn just one-tenth of the world’s property and also should remain victim of inequality and injustice. The anomaly is now, being openly questioned and some discrimination seriously challenged. As human development moves centre-state in the global development debate, gender equality is emerging as major challenges. Gender discrimination, though amongst the most subtle, is one of the most all-pervading forms of the institutionalized deprivation.¹The question of gender injustice is a very old and burning problem of the world. Before three decades in Mexico, the First World Conference on Women Equality was held and Honourable

(then) P.M. of India, Smt. Indira Gandhi also participated in that; it inspired a movement that has held, to reduce gender inequality world-wide. Illiteracy among women is declining, mortality and total fertility rates are beginning to fall, and more women are participating in the labour force than ever before,. However, much remains to be done. Persistent inequality between women and constrains a society’s productivity and ultimately slows its rate of economic growth. Although this problem has been generally recognized, the evidence available of the need for corrective action is more compelling today than ever.

Difference between sex and gender : The term “sex” and “gender” are often used interchangeably in everyday life, but literary these are frequently differentiated. The term ‘sex’ is applied to those distinctions between men and women, which are based on biological differences, such a anatomy, physiology, hormones and chromosomes, and in this respect people are male and female. The term ‘gender’ is applied to the cultural aspects of male and female. The term ‘gender’ is applied to the cultural aspects of male and female roles, in other words, the behaviour, personality and other social attributes that are expected of males and females. These social attributes become the basis of masculine and feminine roles. Sexuality and the different capacity of men and women in the reproductive process are particularly likely to be thought of as giving ‘natural reasons’ for gender divisions in society. In short, sex difference is natural, but gender difference is creative difference on the basis of sex, by putting gender bias.

3. Constitutional provisions to protect gender injustice in India :

The constitution of India safeguards woman’s right by putting her at par with man socially, politically and

¹ Bhatt JN Justice, in “ Gender Equality: Turmoil or Triumph”.

economically. The principle of the gender equality is enshrined in the constitution in its Preamble, Fundamental Rights, Directive Principles of State Policy and fundamental Duties, with some other provisions, i.e., right to vote, and reservation in local self-Government. However, still there is a very wide gap between the goals enunciated in the constitution, legislation, policies, plans, programmers and related mechanism on the one hand and the situational reality of the status of women in India on the other.

Preamble of the constitution

The preamble of the constitution, itself secure to all its zens social, economic and political justice; and equality of status and opportunity and to promote among them all. It means the constitution is based without discrimination on the basis of gender and assure justice to all of the citizens.

Right to equality

Arts. 14, 15 and 16 of the constitution not only grant the gender equality but also empowers the State to adopt measures of affirmative discrimination in favour of women, which is not violation of right to equality in any sense.

Prohibition of traffic in human beings and forced labour

According to Art. 23 of the constitution, traffic in human beings and beggar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

Equal pay for equal work

Art. 39(d) directs the State, that it shall in particular, direct its policy towards securing that there is equal pay for equal work for both men and women.

Right to vote and participate in the politics and Government officials

Art. 325 provides that all adult citizens shall have rights to vote irrespective of sex.

Reservation of seats in Panchayati Raj

Art. 243-D and Art. 243-T of the constitution, provide 1/3 seats shall be reserved for women in panchayats and Municipalities. Further, 1/3rd seats out of the reserved for SC/ST, at the rotation based are also reserved for SC/ST women. The offices of the Chairpersons in the Panchayats in village or municipalities in urban, at any level shall also be reserved for women in such manner